

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:23-CV-00202-RJC-SCR**

MARC HUBBARD,)	
)	
Plaintiff,)	
)	
v.)	
)	<u>ORDER</u>
MARC A. WALLENSTEIN, et. al.,)	
)	
Defendants.)	

THIS MATTER is before the Court on Defendants’ “Motion[s] to Dismiss” (Doc. Nos. 17, 21 & 23).¹ Following the original filing of the Motion, pro se Plaintiff submitted certain Summonses Returned Executed. (Doc. No. 26). However, based on Defendants’ Replies, (Doc. Nos. 29 & 30) submitted thereafter, and the Court’s review, it appears that deficiencies in Plaintiff’s service of process remain.

Plaintiff is required to serve each Defendant in compliance with Rule 4 of the Federal Rules of Civil Procedure. Recognizing Plaintiff’s pro se status, the Court will grant him a final opportunity to effectuate proper service on each Defendant.² Plaintiff is warned that if the service of process requirements are not followed, dismissal of this lawsuit, either in whole or in part, may result for failure to properly serve Defendants.

¹ In filed briefings, Defendants noted their limited appearances and/or preserved their objections to proper service as to avoid any arguments of waiver. (Doc. Nos. 17, 18, 1, 22, 23 & 24).

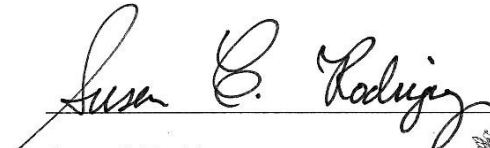
² Pro se Plaintiff may wish to consult to the Western District of North Carolina’s Pro Se Litigant Guide located at the following web address: https://www.ncwd.uscourts.gov/sites/default/files/general/Pro_Se_Litigant_Guide.pdf

IT IS, THEREFORE, ORDERED that:

1. Plaintiff shall promptly cure all defects in service of process on Defendants and comply with the requirements of Federal Rule of Civil Procedure 4. **Plaintiff is warned that failure to comply with service of process requirements will result in dismissal of this lawsuit either in whole or in part.**
2. **To the extent service is made, Plaintiff shall file a Proof of Service as to each Defendant no later than Friday, March 15, 2024.**
3. Defendants are **GRANTED LEAVE** to file supplemental briefing by Monday, April 8, 2024, indicating whether service remains deficient.
- 3 The Clerk is directed to send copies of this Order to the pro se Plaintiff, to defense counsel, and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: February 9, 2024


Susan C. Rodriguez
United States Magistrate Judge

